

### **REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. With this amendment, claims 1 and 14 have been amended, no claims have been cancelled, and claims 54 and 55 have been added. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. Thus, claims 1-5, 7-16, 18-21, 41-53 remain pending in the application, with claims 5, and 41-53 withdrawn from consideration.

#### **Claim Rejections - 35 USC 5 103**

Claims 1-4, 7-12, and 19-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Li (WO 021031 463 A2, Apr. 18, 2002) in view of DeNuzzio et al. (WO 20041001404 A1, published on December 31, 2003 and filed on June 19, 2003), Chazalviel et al. (Applied Spectroscopy, 1993, Vol. 47, pp1411-1416), and Yoshida et al. (JP 07-1 84883 A, July 25, 1995). Claim 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over Li (WO 021031463 A2, Apr. 18, 2002) in view of DeNuzzio et al. (WO 20041001404 A1, published on December 31, 2003 and filed on June 19, 2003), Chazalviel et al. (Applied Spectroscopy, 1993, Vol. 47, pp1411-1416), and Yoshida et al. (JP 07-1 84883 A, July 25, 1995) as applied to claims 1 and 10 above, and further in view of Dai et al. (U.S. Patent No. 6,528,020, Mar. 4, 2003). Claim 14-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Li (WO 021031463 A2, Apr. 18, 2002) in view of DeNuzzio et al. (WO 20041001404 A1, published on December 31, 2003 and filed on June 19, 2003), Ito (U.S. Patent No. 5,384,028, Jan. 24, 1995), and Girault et al. (U.S. Patent No. 5,512,489, Apr. 30, 1 996). Applicants respectfully traverse these rejections.

Claims 1-4, 7-12, and 19-21 would not have been obvious to one of ordinary skill in the art at the time of invention because the applied reference neither teach nor suggest all of the features recited in independent claims 1 and 14. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). *See also* MPEP 2143.03. Independent claims 1 and 14

have been amended to recite “the electrodes having structures and/or charge distributions similar to the target molecule,” and “the first and/or second electrodes having structures and/or charge distributions similar to the one or more target molecules,” respectively. Support for these features can be found in paragraph [0037] of the specification. These features are neither taught nor suggested by Li, DeNuzzio, Chazalviel, Yoshida, or Girault.

Li teaches an apparatus which includes an array of electrochemical cells (Abstract). The electrochemical cells include a bottom metal strip electrode 5 and an upper metal strip electrode 1 having holes (see p.38, last paragraph, p.39, first paragraph, Fig.1). DeNuzzio teaches a microsensor array with microcells having a round working electrode 102 1.7 mm in diameter, a counter electrode 104, and 190 square shaped reference electrodes 106 (paragraph [0023]). Chazalviel provides no detail regarding his electrodes other than they comprise porous silicon (P.1415, col.2). Yoshida teaches the use of FTIR using a total reflection prism (Abstract), and therefore does not teach electrodes. Girault discloses an electrochemical array device having disc shaped electrodes (Figs. 1 and 2) or microbands (Figs. 3 and 4) (see also, col.5, l.13-41). In short, neither Li, DeNuzzio, Chazalviel, Yoshida, nor Girault teach or suggest “the electrodes having structures and/or charge distributions similar to the target molecule,” and “the first and/or second electrodes having structures and/or charge distributions similar to the one or more target molecules,” as recited in independent claims 1 and 14. Applicants therefore respectfully request withdrawal of the rejections.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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